

Docket No. 043978-039000

Serial No.: 09/997,022

Page 7

REMARKS

The above Amendments and these Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed August 2, 2007.

Summary of the Examiner's Action and Applicant's Response

The Examiner rejected Claims 1, 4, 5, 7, 25, and 26 under 35 U.S.C. § 103(a) as obvious based on Armstrong, et al. (U.S. Pat. No. 7,017,173, "Armstrong") in view of Dwek (U.S. Pat. Pub. No. 20010018858). Claims 1, 4-7, 9-11, 17, 18, 19, 22, and 24-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond (U.S. Pat. No. 6,698,020). The Examiner rejected Claims 12-14 and 16 under 35 U.S.C. § 103(a) as being obvious based on Siler (U.S. Pat. Pub. No. 20040133467) in view of Bates, et al. (U.S. Pat. No. 6,342,908, "Bates") and further in view of Dwek. Claim 23 was rejected under 35 U.S.C. § 103(a) as being obvious based on Zigmond in view of Dwek. Applicant respectfully traverses the rejections.

In this Amendment, Applicant has amended Claims 1, 7, and 25. Claims 1, 4-7, 9-14, 16, 17, 19, and 22-29 are pending.

Response to the Rejection of Claims 1, 4, 5, 7, 25, and 26 under 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 4, 5, 7, 25, and 26 under 35 U.S.C. § 103(a) as being obvious based on Armstrong, et al. in view of Dwek. The Examiner stated that Armstrong teaches "displaying advertising in said display window (see figure 4); closing the display window (after the advertisement is complete) and resuming presentation of the streaming video program (the display window 410 is re-established in response to play control signal -see col. 10, lines 19-22)". Applicant respectfully disagrees.

Applicant has amended Claim 1 to more clearly define the invention. Claim 1, as amended, includes the steps of "displaying one or more advertisements in said display window"; "closing said display window in response to said one or more advertisements completing"; and "resuming presentation of said streaming video program". As claimed in Claim 1, the display window is closed in response to the one or more advertisements completing and then the presentation of the streaming video program is resumed. In contrast, Armstrong teaches "[u]pon the subscriber pressing the PLAY button 435, the first display window 410 is re-established and the requested content is again provided as streaming video to the subscriber for presentation." (Col. 10, lines 19-

10787510v1

Docket No. 043978-039000

Serial No.: 09/997,022

Page 8

22). Applicant respectfully submits, therefore, that Armstrong's teaches reestablishment of the display window 410 is **in response to the subscriber action of pressing the PLAY button**, not in response to the one or more advertisements completing, as claimed in Claim 1. That is, the display window in Armstrong is not reestablished in response to one or more advertisements completing, as claimed in Claim 1.

Further, Applicant respectfully submits that Armstrong teaches including **links** to advertising or hotspots in screen 420, not the advertising itself. The method, as claimed in Claim 1, as amended, includes displaying one or more advertisements. As claimed in Claim 1, the display window is closed in response to the one or more advertisements completing. Applicant respectfully submits that Armstrong does not teach or suggest the displaying one or more advertisements, as claimed in Claim 1.

Further, the Examiner acknowledged that Armstrong does not explicitly teach disabling at least one control function of the display window. The Examiner stated that Dwek teaches a system that "does not permit a user to hide advertisement presentation window on the display screen (see 0113)." The Examiner concluded that "[i]t would have been obvious to one of ordinary skill in the art to modify the combined system of Armstrong by disabling at least one control function of advertisement presentation window such as hiding the advertisement presentation window on the display screen as taught by Dwek". Applicant respectfully disagrees.

Dwek teaches an **"advertisement pane"** that **"automatically remain[s] visible on a user's computer display screen whenever the music player 120 is open"** and alternatively, an advertising **"floating window"** component of a user interface for a music player that **"remains visible on the user's computer display screen whenever the music player is open"**. (Emphasis added). (See Figs. 3A and 5 and paragraphs [0112]- [0114]). Applicant respectfully submits that having an advertising component that remains visible whenever the music player is open, as taught in Dwek, does not teach or suggest a display window for advertising that is opened in response to an ad event signal, as claimed in Claim 1. Applicant respectfully submits, therefore, that Dwek does not teach either pausing presentation of a video program when an ad event signal is received or resuming presentation of the video program after the advertisement is completed. Further, Applicant respectfully submits that there is no teaching or suggestion to one skilled in the art to combine the music player interface that has an advertising component always displayed as long as the music player is open, as taught in Dwek, with the method of inserting advertising into an audio-

10787510v1

Docket No. 043978-039000

Serial No.: 09/997,022

Page 9

video presentation in response to a user's selecting "pause" and resuming a program when the user selects "play", as taught in Armstrong. Further, Applicant respectfully submits that, even if there was such a suggestion or motivation, any theoretical combination of Armstrong and Dwek would not teach the invention as claimed in Claim 1 for the reasons given above.

For all of the above reasons, Applicant respectfully submits that Claim 1 is non-obvious based on Armstrong and Dwek. Claims 4-6 depend from Claim 1 and thus are respectfully submitted as being non-obvious based on Armstrong and Dwek for the same reasons given above for Claim 1.

Further regarding Claim 5, Applicant respectfully submits that Armstrong does not teach an ad event signal embedded in the streaming video program. Applicant respectfully submits that, in contrast to the method claimed in Claim 5, Armstrong teaches that an ad is displayed in response to the user pressing the "pause" button and the generating of a signal indicating that the "pause" button has been pressed. (Col. 10, lines 19-22). Applicant respectfully submits that Claim 5 is non-obvious based on Armstrong and Dwek for this additional reason.

Claim 7 has been amended similarly to Claim 1. Applicant respectfully submits, therefore, that Claim 7 is non-obvious based on Armstrong and Dwek for the same reasons given above for Claim 1. Further regarding Claim 7, Applicant respectfully submits that Armstrong does not teach having a single video presentation window and displaying advertising in that single video presentation window, after its size is adjusted, as claimed in Claim 7. In contrast, Armstrong teaches replacing a screen 410 that contains video content only with a new screen 420 that includes **both** video content and portions devoted to displaying links to advertising. (See FIG. 4, Col. 9, lines 27-41). Applicant respectfully submits that Claim 7 is non-obvious based on Armstrong and Dwek for this additional reason.

Claim 25 has been amended similar to Claim 1. Applicant respectfully submits, therefore, that Claim 25 is non-obvious based on Armstrong and Dwek for the same reasons given above for Claim 1. Claim 26 depends from Claim 25 and is thus respectfully submitted as being non-obvious based on Armstrong and Dwek for the same reasons given above for Claim 25.

Docket No. 043978-039000

Serial No.: 09/997,022

Page 10

Response to the Rejection of Claims 1, 4-7, 9-11, 17-19, 22, and 24-29
under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1, 4-7, 9-11, 17, 18, 19, 22, and 24-29 under 35 U.S.C. § 102(e) as being anticipated by Zigmond. The Examiner stated that Zigmond teaches adjusting said display window to a predetermined size in response to said ad event signal “(the advertisement is displayed on a display screen in a full screen size in response to the trigger signal. See column 15, lines 57-61; col. 17, lines 25-31)”. Applicant respectfully disagrees.

Applicant respectfully submits that, in the portions cited by the Examiner, i.e., Col. 15, lines 57-61 Col. 17, lines 25-31, Zigmond merely teaches interrupting the display of the video programming feed and inserting a selected advertisement “in its place”. Therefore, it is respectfully submitted that Zigmond does not teach either “adjusting said display window to a predetermined size” or “adjusting said display window to a predetermined size in response to said ad event signal”, as claimed in Claim 1.

The Examiner also stated regarding Zigmond and Claim 1 that “... disabling at least one control function of said display window (since the advertisement is displayed on the display screen in full screen size, displaying the video program on the display screen is disabled)...”. Applicant respectfully submits that disabling the displaying of the video program teaches disabling at least one control function of said display window, as claimed in Claim 1. Applicant respectfully submits that, although Zigmond teaches that, while the ad is displayed in the display screen, the video program is not shown, there is no teaching in Zigmond of **disabling control functions**, e.g., size, etc., of the display window, as claimed in Claim 1.

For all of the above reasons, Applicant respectfully submits that Claims 1 is not anticipated by Zigmond. Claims 4-6 and 24 depend from Claim 1 and thus are respectfully submitted as not being anticipated by Zigmond for the same reasons given above for Claim 1.

Claim 7 includes an adjusting step having adjustment to a predetermined size in response to an ad event signal, similar to Claim 1. Applicant respectfully submits, therefore, that Claim 7 is not anticipated by Zigmond for the same reasons given above for Claim 1. Claims 9-11 depend from Claim 7 and thus are respectfully submitted as not being anticipated by Zigmond for the same reasons given above for Claim 7.

Claim 17 includes an adjusting step similar to Claim 1. Applicant respectfully submits, therefore, that Claim 17 is not anticipated by Zigmond for the same reasons given above for Claim

10787510v1

Docket No. 043978-039000

Serial No.: 09/997,022

Page 11

1. Claims 19 and 22 depend from Claim 17 and thus are respectfully submitted as not being anticipated by Zigmond for the same reasons given above for Claim 17.

Claim 25 includes an adjusting step similar to Claim 1. Applicant respectfully submits, therefore, that Claim 25 is not anticipated by Zigmond for the same reasons given above for Claim 1. Claims 26-29 depend from Claim 25 and thus are respectfully submitted as not being anticipated by Zigmond for the same reasons given above for Claim 25.

Response to the Rejection of Claims 12-14 and 16 under 35 U.S.C. § 103(a)

Claims 12-14 and 16 have been rejected under 35 U.S.C. § 103(a) as being obvious based on Siler in view of Bates and further in view of Dwek. Siler teaches use of a separate rich media window, 135 in FIG. 1A, for display of the ad. (See FIG. 1A, Paragraph [0028]). Applicant respectfully submits, therefore, that Siler does not teach overlaying the streaming video program with an ad in the same video presentation window, as claimed in Claim 12.

As claimed in Claim 12, the method includes a single video presentation window and restoring the size thereof. In contrast, Applicant respectfully submits that Bates teaches adjusting the size of three windows relative to one another (See FIG. 4d, Col 7, lines 34-43).

For all of the above reasons, Applicant respectfully submits that Claim 12 is non-obvious based on Siler in view of Bates and further in view of Dwek.

Claims 13, 14, and 16 depend from Claim 12 and are thus respectfully submitted as being non-obvious based on Siler, in view of Bates, and further in view of Dwek, for the same reasons as given above for Claim 12.

Response to the Rejection of Claim 23 under 35 U.S.C. § 103(a)

Claim 23 has been rejected under 35 U.S.C. § 103(a) as being obvious based on Zigmond in view of Dwek. Applicant submits that Claim 23 is non-obvious based on Zigmond in view of Dwek for the same reasons given above for Claim 1.

Conclusion

For the above reasons, Applicant respectfully submits that all of the pending claims, Claims 1, 4-7, 9-14, 16, 17, 19, and 22-29 in the present application are allowable. Such allowance is respectfully solicited.

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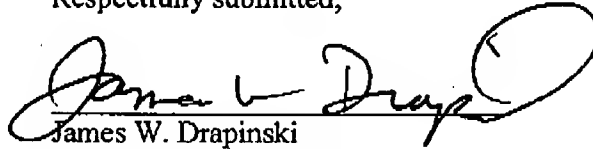
Docket No. 043978-039000

Serial No.: 09/997,022

Page 12

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,



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